

STATE OF INDIANA) IN THE HAMILTON SUPERIOR COURT 1
) SS:
COUNTY OF HAMILTON) CAUSE NO. **29D01 0703** *PL 277*

STATE OF INDIANA,

Plaintiff,

v.

RHONDA KLEIN, and

RICHARD KLEIN,
individually and doing business as
KLEIN AND SONS CONSTRUCTION, LLC

Defendants,

and

FIFTH THIRD BANK,

Garnishee-Defendant

TEMPORARY RESTRAINING ORDER

This matter having come before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and the Court having considered the Plaintiff's motion, the affidavits of Robert G. Bloomer, Jennifer Galeziewski, Theresa Hammon, Shanika R. Johnson, and Michael Smith, the allegations contained in the Plaintiff's Complaint in this action, and the Exhibits attached thereto, now finds as follows:

1. The Defendant, Richard Klein, individually and doing business as Klein and Sons Construction, LLC, is an individual engaged in business as a home improvement contractor and resides in Hamilton County at 1980 W. 216th St., Sheridan, Indiana, 46069.

2. The Defendant, Richard Klein, is a Judgment debtor of the State of Indiana, and currently owes the State Eleven Thousand Six Hundred Dollars (\$11,600.00) pursuant to an unsatisfied Judgment entered by the Marion Superior Court.

3. The Defendant, Rhonda Klein, is the spouse of the Defendant, Richard Klein, and resides in Hamilton County at 1980 W. 216th St., Sheridan, Indiana, 46069.

4. The Defendant, Richard Klein, has acted as a supplier, solicited consumer transactions, and obtained payment from others.

5. Upon receiving payment, the Defendant, Richard Klein, has signed over these checks to the Defendant, Rhonda Klein, his wife.

6. These inter-spousal transfers of assets constitute a fraudulent transfer of assets by the Defendant, Richard Klein, to the Defendant, Rhonda Klein, and has been done with the intent to hinder, delay, cheat, or defraud the Defendant, Richard Klein's, creditors, including the State of Indiana.

7. The Defendants have acted to evade the Plaintiff's collection of its judgment by fraudulently transferring the Defendant, Richard Klein's, assets to one or more third parties, including his wife, the Defendant, Rhonda Klein.

8. The fraudulent transfers of assets constitute a violation of Indiana's Uniform Fraudulent Transfer Act, Ind. Code § 32-2-7-14, which constitutes *per se* "irreparable harm."

9. The Defendants own and operate Indy Saint Bernards, a dog kennel offering Saint Bernard puppies for sale for One Thousand Dollars (\$1,000.00), or more, each.

10. The Defendants are currently offering at least six (6) puppies for sale, with such puppies being ready for delivery to purchasers as early as March 9, 2007.

11. The Defendants' website indicates they have sold puppies in the past, and it appears sales of the current litter of puppies is imminent.

12. There appears to be a substantial likelihood the Plaintiff will prevail on its Complaint in this action, and the Plaintiff does not have an adequate remedy at law to protect the state's interests in preventing its citizens and other consumers from being harmed by the Defendants' continued fraudulent transfers raised in this motion.

13. Issuance of this Order is in the public interest, since unless restrained from transferring or otherwise disposing of the assets or inventory of Indy Saint Bernards, significant assets owned by the Defendants in the State of Indiana could again be fraudulently transferred to the Defendant's wife, the Defendant, Rhonda Klein, or other persons, resulting in the Plaintiff suffering immediate and irreparable injury by losing access to assets that could partially satisfy the Plaintiff's prior judgment and any judgment that might be entered in this cause.

14. The Defendants were notified of the Plaintiff's intent to file a Motion for Temporary Restraining Order by personal service upon the Defendants by the Office of the Attorney General on March 8, 2007 at 6¹⁵ p.m.

15. The Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

16. The Plaintiff's Motion for Temporary Restraining Order should be granted.

IT IS THEREFORE ORDERED by the Court the Defendants, Rhonda Klein and Richard Klein, their employees, agents, representatives, successors, and assigns, and any other person acting at their direction, are temporarily restrained from directly or indirectly removing, transporting, or otherwise disposing of the assets or inventory, including puppies or money received from the sale of those puppies located at the Defendants' dog kennel, Indy Saint Bernards, pending hearing on the Plaintiff's Motion for Preliminary Injunction.

IT IS FURTHER ORDERED the Defendants are to appear and show cause at a hearing to be held on March 16, 2007 at 11³⁰ o'clock a.m./~~p.m.~~, or as soon thereafter as counsel may be heard, as to why a preliminary injunction should not be issued to preliminary enjoin the Defendants, during the pendency of this action, from committing the acts restrained herein.

IT IS FURTHER ORDERED the Plaintiff not be required to post security to obtain this Order pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

All of which is ORDERED on this 9 day of March, 2007
at 10:07 a.m./ ~~p.m.~~



Judge, Hamilton Superior Court

Distribution:

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